

PERSECUTION.

THE
C A S E
OF
CHARLES PIGOTT:
CONTAINED IN THE
D E F E N C E
HE HAD PREPARED,
AND WHICH WOULD HAVE BEEN
DELIVERED BY HIM ON HIS TRIAL,
IF THE
G R A N D J U R Y
HAD NOT THROWN OUT THE BILL PREFERRED
AGAINST HIM.

By CHARLES PIGOTT,
Author of *Strictures on the New Political Tenets of Edmund Burke*, *Treachery no Crime*, and other well known popular Publications.

We've neither safety, unity, nor peace,
For the foundation's lost of common good;
Justice is lame as well as blind amongst us:
The laws, (corrupted to their ends that make 'em,)
Serve but for instruments, of some new tyranny,
That every day flirts up t' enslave us deeper.

OTWAY.

L O N D O N :
PRINTED FOR D. I. EATON, NO. 74, NEWGATE-STREET,
M DCC XCIII,

PERSECUTION

DURING the period of our history, when a Stuart reigned in England; when a Jesuit presided in the court of King's Bench, the source of justice was polluted. Judges were venal, and Juries corrupt. Virtue and Crime were confounded; or rather Virtue was proscribed and punished. Crime rewarded and triumphant. A patriot controlled by the title of Duke of Buckingham, was the favourite minister of the prince. Jesuits, whose very name is synonymous with oppression and cruelty, was the protected Judge, and whose sentence and authority, a SHAWY and a RUSSELL died on the scaffold.

I remember while a boy, to have read in a manuscript belonging to my father, that one of his ancestors in the reign of Charles II. had been committed to a dun-

P R E F A C E.

DURING the period of our history, when a Stuart reigned in England; when a Jefferies presided in the court of King's Bench, the source of justice was polluted, *Judges were venal, and Juries corrupt*, Virtue and Crime were confounded; or rather Virtue was proscribed and punished; Crime rewarded and triumphant. A pander ennobled by the title of Duke of Buckingham, was the favourite minister of the prince. Jefferies, whose very name is synonymous with oppression and cruelty, was the protected Judge, under whose sentence and authority, a SIDNEY and a RUSSELL died on the scaffold.

I remember while a boy, to have read in a manuscript belonging to my father, that one of his ancestors in the reign of Charles II. had been committed to a dun-

dungeon, upon the charge of having uttered seditious words, but that the grand jury on the bill being preferred, had thrown it out; when he was advised by his friends to institute a process against the magistrate who had thus wantonly and arbitrarily committed him.

He judged proper however previously to consult with a counsel learned in the law, who over-ruled the opinion of his friends; the experienced counsel recommending that it would be more *prudent* to rest contented with the first loss; “as the magistrate would be protected, and *his jury would be packed.*”

I think it *prudent* to profit by the example of my relation. It made a strong impression on my mind at the instant I read it, and although from the *infrequency* of criminal prosecutions in these days, the *temper, moderation,* and LOYALTY of our Judges, the *lenity* of their sentences, and the *special care*, with which

which *special juries* are now selected, there cannot be perceived the most distant analogy between the present and that barbarous persecuting age; yet from the above circumstance, I have ever held *packed juries* in so much dread, that I deem it more wise and safe to remain as I am, after all the hardships I have undergone, than submit to the *least possible chance* of falling under the fangs of a *biased JUDGE, and a packed Jury.*

I am no stranger to the *candour and unwarped integrity* which now characterize the Bench; nevertheless, when I recollect that the magistrate who committed me, declared, (on Mr. Hodgson wishing to read a case in point as to the illegality of our commitment); "that his mind was
 " already made up on the business; *legal*
 " or *illegal*, he was ready to take all responsibility on himself, and that to prison he would remand us, unless we
 " could find sureties in the sum required:" recollecting this declaration, from a sage and venerable magistrate, I
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must acknowledge myself rather an ALARMIST, and I prefer making this public appeal to the tribunal of my country at large, than to run the risque of incurring fresh expence, by submitting my case to the *glorious* uncertainty of legal decision.

I thought he To the justice of the grand jury who
had before rejected the bill against me, I am bound
and Juris to offer my sincere acknowledgments,
were packed and it is to them and to my countrymen
 in general, that I offer the following Defence, which I had prepared and should have delivered, had not the impartiality of the grand jury prevented me from being brought to trial.

I trust that on its perusal, they will be still more satisfied with their conduct in respect to myself, and if so happy as to gain the verdict of my Fellow Citizens, I shall be perfectly indifferent as to the sentiments, which either K-ings, P---c-s, or Nobles may entertain concerning me.

CHARLES PIGOTT.

DEFENCE.

GENTLEMEN OF THE JURY,

THE experience that I have had of English law, and of English lawyers; dreading their ruinous expence, and having never in my life consulted *two legal* characters on *any one legal* point, that I did not find a difference of opinion between them; thus knowing the *glorious* uncertainty of this intricate profession, and conscious that truth and innocence have no need of *legal* casuistry or chicanery to support them, I have resolved to forego those advantages that such unworthy resources might afford, and which I might also derive from the ingenuity and talents of those more in the habit of public speaking than myself; but although ignorant of *law*, and wholly unpractised in the meretricious arts of elocution, thank Heaven! I am perfectly acquainted with

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equity

equity and right, and it is on those pure, honest principles, that I venture to stand forth my own advocate, against this vindictive and infamous prosecution.

It would appear from the late extraordinary and desperate measures that we have witnessed in this country, as if the old system of Versailles was engrafted on the political system of Britain.

It was the barbarous custom in France under her ancient despotism, to dispense even with the *forms* of justice and humanity. Scarce a night then passed in that long and sorely oppressed nation, that citizens were not dragged from their homes and immured in dungeons, where perhaps they were never after heard of, prejudged and precondemned, in virtue of *lettres de cachet*, which the profligate hardened minions of a court had the power, and were always prepared to issue, for the gratification of their private passions, for their own convenience and safety, or to indulge the caprice and revenge of their prostitutes and parasites.

It must be admitted that instruments of tyranny strongly resembling these *lettres de cachet*, are now in frequent use amongst us, and, in my opinion, confirmed by the first authorities, nothing can more
fully

fully evince the weakness as well as wickedness of a government, than such suspicious and rigorous proceedings. Suspicion and rigour are the true criterion of weak and tyrannical governments.

To illustrate this comparison:—

In virtue of an information, *ex officio*, filed by the Attorney General, an Englishman may be surprised at midnight in his bed, dragged from a distracted family, and cast into the most loathsome prison, under pretence of having written or published a libel! even before the laws had pronounced that the publication *was* a libel; and what renders this persecution ten thousand times more heinous and oppressive, is,—that supposing him to be afterwards tried and acquitted by a jury of his country, and his innocence to appear manifest; still he has no remedy or redress whatever against this false, arbitrary, and nefarious imprisonment.

Mr. Hodgson and I may justly complain of treatment still more barbarous, at the same time that it has not even a shadow of law to support it. We were dragged at a very early hour in the evening, *before the watch was set*, from a coffee-house to a horrid cell, on the information of a publican,

for words said to have passed between my friend and myself, in his house in breach of the peace, although there be no law in existence that authorizes such construction upon words; and when the peace had been *bonâ fide* most flagrantly violated by these INFORMERS themselves, in assaulting us at the table where we were seated; but notwithstanding the outrage undeniably originated with *them*, the constable to whom this publican gave us in charge, refused to take these ruffians into custody on *our* charge, legally and repeatedly presented *. In this cell,

• However difficult it may generally be to bring lawyers to an agreement on any particular case, yet, on the illegality of our first commitment, I believe they are perfectly unanimous in opinion. Had any of the company overheard words passing between Dr. Hodgson and myself, that he conceived seditious or treasonable, he was at liberty to have gone before a magistrate, delivered his information, and to have procured a warrant for apprehending us. This would have given some colour of regularity to the proceeding; but for a constable to drag two men to a dungeon on the oral evidence of a publican for words pretended by him to have been spoken, and for a magistrate thence to ground his authority for holding those men to bail in a thousand pounds, was a stretch of power directly contrary to law, and for which I am assured from the most respectable authorities, there is not a single precedent in existence. But what is law, what are justice and humanity, when the object is to punish and oppress two individuals, whose political sentiments are

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cell, the ordinary receptacle of the worst description of felons, we were confined the whole night, cut off from all communication with our acquaintance, refused candle, fire, or bed, the damp stones our only resting place, the rain pouring down upon us through the broken casements, not even indulged with a chair, and exposed to the grossest insults and indignities of brutes, whose *trade* is cruelty, and who bore nothing human about them except the form. The reason assigned by one of these savages, for exercising this tyranny was, "that we were TOM PAINE's Men, and *rebels*;" "that he had been told we were GENTLEMEN," "but it was a lie, we were d—d BLACK-GUARD RASCALS, and that if we would "give him ten guineas, he would see us *blasted*," "before he would grant us any indulgence what-ever."

Such was the approved and merciful treatment we experienced in this free and civilized country, under prettexts, I will venture to declare, as fallacious and absurd, as they were unjust, malicious, and oppressive.

I will now recapitulate the facts which led to considered as chaotic to the present perfidious, corrupt, and murderous system?

this

this prosecution, and I shall offer such observations on those facts, as are connected with them.

On the 30th of September last, Mr. Hodgson and I, after having dined convivially together, went to the London Coffee-house ; where we indulged in that openness and freedom of discourse natural to persons, who harbour no criminal or secret intentions, little suspecting that we were furrounded by wretches, who could be base enough, to listen to conversation which passed at another table, with a design afterwards to bring it forward, as a matter of criminal prosecution.

We called for the newspapers, and commented on the different paragraphs as they were read. It has been alledged that we read and talked aloud. Why should we not do so ? Since men, unconscious of evil, are naturally unsuspicious, and our conversation was continued, till interrupted by one of the witnesses, (White Newman the Pickleman) who running from a distant part of the room, loudly vociferating, "the KING, the KING, " the KING," violently assailed the table at which we were seated, and presenting his fist to Mr. Hodgson's face in a threatening attitude, would probably have struck him, had it not been for the firm and resolute manner, in which the latter expressed his determination to defend himself.

I must

I must observe, that when this *valiant hero* first laid siege to our table, he was gallantly followed up by a *rear-guard*, consisting of eight or ten companions, *almost* as *loyal* and *courageous* as himself, who both by their words and gestures, did their utmost to provoke and exasperate two men, evidently affected by liquor, when the temper is consequently more irritable than in moments of cooler reflection; but although thus violently and wantonly attacked, under circumstances, when the words of men are apt to make *little impression*, and when certainly, they ought to excite *no resentment*, not one witness has ventured even to insinuate, that our discourse was directed to any of them; therefore we could not possibly be the aggressors.

In the heat of our dispute, Leach, the master of the coffee-house made his first *public* appearance, for till that moment he had been unperceived by either of us, when he directly sent for and gave us in charge to a constable, who with that *strict impartiality*, which now marks the conduct of all our civil officers, from the highest to the lowest, laid violent hands on Mr. Hodgson and myself, at the same time that he refused to take charge of these informers, by whom *we* had been *really* insulted

sulted, although, as I have already remarked, frequently urged by us so to do.

I shall not dwell on the foul treachery of this publican, in giving information against us, for words said to have been spoken in *his coffee-house*, while he was receiving our money, and at a moment, when he himself allows, we were both heated by liquor. Your own feelings will be our best advocate against such baseness in a man, to whose protection as our *host*, we had *peculiar* claims, but who instead of acting accordingly, instead of civilly requesting us not to talk so loud, lest it might disturb the company, lays aside the functions of a landlord, to take up the infamy of a SPY and INFORMER; maliciously attends to words, uttered, even by his own account, when we must be necessarily off our guard, and when, if he had possessed one grain of humanity in his disposition, or if he had not had an interest in his officiousness, must have felt it his indispensable duty, previously to have warned us that our language was loud and offensive, and mildly to have remonstrated against any thing that appeared improper in our behaviour. Such conduct on his part, would have evinced candour, moderation, and propriety, nor could it have failed to produce the desired effect; but instead of acting thus candidly, thus consistently

ently with his station, what part does this man take? Why; he suffers us, flushed as he tells you with wine, to give full scope to our career, swears to particular toasts which were drank, and then brings them forward as matter of criminal accusation against us, **THUS CONVERTING HIS COFFEE-HOUSE INTO AN INQUISITION, HIMSELF THE GRAND INQUISITOR.** How far such toasts, or indeed any other conversation from persons in the condition he has described us to have been, could have a criminal or pernicious tendency, or how far it is thence to be supposed, we had premeditated that they should have it, it is your province to decide.

There was a time when **SPIES** and **INFORMERS** were held infamous in England, and when an honest government disdained to employ such vile instruments of treachery and despotism. There was a time when a publican acting as this man has done, would have been ruined in his trade, that his house would have become a desert, that no one would have considered himself safe therein; but the times are sadly changed in this country;—there now exists an association under the immediate sanction and influence of government, composed entirely of its creatures, formed for the express purpose of encouraging and rewarding these

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miscreants;

miscreants; these pests of society, who annoy us in every quarter, who usurp a controul over our very amusements and conversations, however innocent or rational they may be, who debauch the fidelity of our servants, and prying into the inmost secrets and actions of families and of individuals, striking at every thing most dear in society, at the expence of honesty, good faith, hospitality, and domestic quiet, are only anxious by false alarms and affected apprehensions, to display their venal and malignant zeal, as the surest means of attracting the notice, and securing the rewards of Mr. P—t's administration.

On this subject, I cannot apply language better adapted to its illustration, than by referring to opinions as I once heard them delivered at a popular society, by a learned and eloquent gentleman, who certainly holds the most distinguished rank at the English bar.

Mr. Erskine observed, that “liberty of thought
“and speech first produced the constitution which
“England boasts of;—that liberty of thought and
“speech is as necessary to preserve, as it was to
“form that constitution. While such a host of
“men,” (alluding to those associations and their
runners,) “are combined to overwhelm the un-
“happy

"happy man who may venture to utter a senti-
 "ment which a weak or biaſſed underſtanding may
 "torture into a ſeditious meaning, liberty of
 "thought, liberty of ſpeech, liberty of publica-
 "tion, which may be juſtly called the palladium
 "of Britiſh liberty, cannot exiſt. Of courſe,
 "ſuch an arbitrary juriſdiction goes immediately
 "to the annihilation of that form of government,
 "which they profeſs themſelves associated to ſup-
 "port, and ſhould be oppoſed by every well-
 "wiſher to it."

He further obſerved, "that if the right of ac-
 "cuſation was aſſumed by uninjured individuals,
 "or by voluntary, unauthorized, and undefined
 "aſſociations of men, the prime bleſſing of ſocial
 "union, fearless tranquility of life, could never
 "be enjoyed;—the ſources of juſtice would be
 "no longer pure, nor the adminiſtration of it im-
 "partial, while it might ſo happen, that members
 "of a grand or petty jury, might be members of
 "ſuch aſſociations; whereby men who had ſet
 "themſelves up as liſenſers of political ſentiments
 "and publications; as tribunals that are to deter-
 "mine in the firſt inſtance what ſhall be deemed
 "ſedition, actually become in ſuch caſes, both ac-
 "cuſers and judges."

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Let us deprecate such barbarous encroachment on our dearest rights.

I shall not argue on the irregularity, inconsistency, or illegality of the whole course of proceedings against us, but I will undertake to prove on the solid ground of truth and justice, beyond a possibility of refutation, that there is not a single charge stated in the indictment, of which consistent with the least regard for those sacred principles, you can convict me.

When we were led out from our dungeon to be examined before Mr. Anderson at Guildhall, Leach the master of the coffee-house swore that on the preceding evening at his house we had talked very loud; that we had drank certain toasts, which in the indictment are *wisely, mercifully, and truly* stated, to be *seditions, traitorous, malicious*, and to have been drunk with an intent to alienate the affections of his Majesty's liege subjects, and to excite rebellion in this country. — *Just, wise, and merciful* construction. These toasts were first, the French Republic, which by the bye is a non-entity, since to this very hour, the French republic is not acknowledged by the British government, and how far British laws are competent to inflict punishment upon persons for drinking a non-entity,

city, is another problem which it would not be very difficult for you, Gentlemen of the Jury to resolve; but I disdain to avail myself of such quibbles; I leave those pitiful manœuvres to others, whose trade it is to practise them; I stand on higher ground. It is from the lofty eminence of Truth and Justice, that I look to you for acquittal.

A second toast, *sworn* by this witness to have been drunk by us, was "an overthrow to the different governments in Europe," and he observed, that there were others of an equally serious and tremendous import, for which I make no doubt, in the opinion of Mess. Leach, Reeves, Hawksbury, White Newman, and Pitt, not forgetting the worthy Mr. White, solicitor to the Treasury, the guillotine would be a very inadequate punishment.

In regard, however, to our having drunk an overthrow to the different governments of Europe, there can be nothing so very criminal in that toast, as to justify you in giving a verdict, which might deprive a fellow citizen of his liberty, and expose him to those other *gentle* penalties of fine and pillory, possibly banishment, so congenial with the present temper of our legal tribunals; because there is no one in the least acquainted with the dif-
ferent

ferent governments of Europe, who will be hardy enough to dispute, that far the greater majority of them are rank despotisms.

Supposing, however, what it is impossible for rational unbiassed men to suppose, that these toasts were *really* as criminal and dangerous, and as wickedly premeditated, as the jealousy or malice of our persecuting prosecutors would wish you to believe ; yet, it so happens that I never drank them ; for, on cross examining Mr. Leach, he was forced to confess, that *he did not hear me drink these toasts*, although, in the first instance, he had hastily *sworn* that *we* (meaning Mr. Hodgson and myself had drunk them). After this extreme imprudence on his part, I will not give it a harsher name, you cannot think any very considerable share of credit due to this witness, whatever zeal or loyalty he may have displayed *in this truly honourable service of his truly honourable employers.*

It is your duty, Gentlemen, (I am sure you will not neglect it) to preserve this fact in your memory : He confesses “ that he *did not hear me* “ drink these toasts,” and he is right in his recollection, for I certainly *did not* drink them. There was no occasion for rendering myself so very conspicuous in a public coffee house by so doing; and
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of this I was sensible at the time ; for, although perhaps flurried by having drunk a glass of wine more than usual, consequently in some degree off my guard, yet I was by no means intoxicated. But if this *terrible* charge of drinking these toasts *did* rest upon me, as it is clear, by this man's *re-collected* evidence, it does not, where would be the harm of it ? Nor can you fix any criminality on Mr. Hodgson, supposing him to have drunk them. Does it follow because he should drink the French Republic, and an overthrow to the different despotisms throughout Europe, that he harbours treason in his breast against the government of England ? It would be the most cruel refinement of malice and tyranny, thus to torture a man's thoughts and words.

The second informer (I beg the gentleman's pardon) the second RESPECTABLE witness in this prosecution is Mr. White Newman, the pickle merchant of Newgate-street, a very loyal citizen. He also accuses us of having talked very loud, which is a very heinous offence, and certainly tends *very much* to confirm the charge of sedition and treason against us, although till now, the characteristics of sedition and treason were supposed to be mystery and concealment, rather than that unreserve and freedom, with which we are
acknow-

acknowledged to have communicated our opinions.

This *patriot* citizen, in perfect unison with his friend Leach, likewise swore to our having drunk the French Republic, when this paragon of loyalty tells you, "that he could endure it no longer; "that his gall over-flowed; that he started up, "and, like an excellent subject, drank aloud, "the King and Royal Family; and that his example "was immediately followed by every person in "the room, *our rebellious selves excepted.*"

It is not to be imagined that such exalted loyalty, in this liberal, renumerating age, will pass unrewarded; nor must I neglect to thank this *political pickle merchant* for his candour towards me, since he also, on my cross examining him before the magistrate, was forced to confess, that he did not hear me drink these *wicked* and *treasonable* toasts; but still there is one *negative* accusation, that, in his zeal, he would fain fix on me in common with my friend. When this LOYAL WIGHT first besieged the table where we were seated, he would have forced us to drink the King and Royal Family. Now, I most assuredly did not feel disposed to submit to such compulsory menaces; but it never can be construed as an

impeach-

impeachment of my loyalty, that I should refuse to drink any toast when thus irregularly and compulsorily administered by an utter stranger, however readily I might otherwise have accepted it, had this PICKLED ARISTOCRATE judged proper to use somewhat less of his acid in the mode of enforcing it. So much for Mr. White Newman of Newgate-street, and for his terrible incendiary toasts.

But I would propose one question concerning these toasts to your most deliberate and impartial consideration :

Can you really, on your oaths, in your consciences believe, that toasts, or words, passing aloud between two friends in a public coffee-house, at a table where they were seated by themselves, are capable of the horrible construction imputed to them in the indictment ; or that they ought to be cognizable by the other persons in the room, to not one of whom they were addressed in any sense whatever ? Till now, it had been supposed, that the table or box in a coffee room, was as sacred and inviolable as a private room, nay, even as our own house. Is it not then cruel to the last degree, that because two persons, in the heat and violence of argument, should talk aloud, which is

of itself an incontestible proof that they mediated no harm; is it not, I say, a most dangerous offence against society, that, under the circumstances which have been described, their words should be perverted and tortured?—that the falsest, most malicious interpretation should be forced upon them, and that they should be plunged into dungeons, put to every possible expence, and brought here as criminals for trial, for having indulged the dearest and most unquestionable prerogative of the human mind,—the privilege of giving free utterance to their thoughts? If the sacred flame of liberty, justice, and humanity, be not quite extinct in your breasts, you will spurn with indignation at the tyranny which, in this instance, has been committed against us. The spirit of our Constitution breathes no such tyranny. In the last will and testament of its immortal founder, Alfred, the most righteous and benevolent Prince that ever swayed the British sceptre, he bequeathed the following sentiment, as the best and dearest legacy to his posterity, “**THAT THE ENGLISH PEOPLE SHOULD BE EVER FREE AS THEIR OWN THOUGHTS.**”

Alas! how barbarously has this inestimable legacy been ravished from us!

Another

Another witness is a Mr. Thomas Griffith Vaughan, formerly I believe in the linen trade at Bristol, and if rumour is to be credited, better known than trusted in that city; the connections of this gentleman are very extensive, perhaps, not quite inoffensive, for it has been said, they have been injurious to some, and amongst other persons, that one of the worthy sheriffs for this city has suffered from them. His spirit however in coming forward a volunteer in this just, humane, and honourable prosecution, so congenial with the nature of those in whose patriotic service he has enlisted, cannot fail to repair his finances, and to raise him to a situation, adapted to his merit and talents, to the bent of his genius, and to the convenience of his pocket. The ebullitions of Mr. Vaughan's loyalty are so effervescent, that he disdains all those *minor* virtues which have hitherto been deemed essential to the happiness, and in some respects, to the very existence of society. He candidly stated, (let us hope such virtue will ere long find its *due* reward,) that he seated himself at a table adjoining that where we were seated, for the express purpose of *particularly* attending to our conversation; and that he was even careful to *distinguish our voices*, that he might be hereafter exact in the information, which he then meditated against us.

Another

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Oh! how happy must a government be, how conscious of integrity, how firm in confidence, how secure from danger, that adopts such noble ingenuous means, and which can boast such vigilant active volunteers, to start forward on every occasion, to bring LEVELLERS and REPUBLICANS to condign punishment.

The word REPUBLICAN, I am well aware has a harsh and odious sound; but as it is possible, through mistake, that unfavourable sentiments may have been conceived against me, under the idea of my being infected with republican principles, I shall take the liberty to explain the true genuine signification of the word REPUBLICAN. It is a compound word derived from the Latin substantive and adjective, RES, and PUBLICA, which signify the PUBLIC THING or PUBLIC GOOD, and they who consult or act for this PUBLIC GOOD, rather than from motives of *partial or private* interest, are thence stiled REPUBLICANS. I know such practice is not the fashion of our prosecutors; all their views center in themselves; nevertheless, agreeably with the pure derivation of the word which I have faithfully explained, and which the learned Judge must admit is exact, I am proud to avow myself a REPUBLICAN; but is it thence to be inferred that

that I am an enemy to this constitution, the most valuable branch of which is **REPUBLICAN**?

No gentlemen, were my sentiments hostile to the true interests and constitution of this country, I should be, what thank God! I am not, a friend to Mr. P—t, whom I consider as the bitterest and most inveterate enemy of both; having contrived during the black period of his administration, entirely to destroy the national character; to bring the very existence of our constitution into imminent danger; to have so mutilated and deformed it, that it is no more like its original self, than I to Hercules, or he to his father. "*O Gens antiqua, quam dispari gubernaris domino.*"* Oh ancient and once revered nation, how changed, how degraded are thy ministers! how fallen art thou from thy glorious state! how degenerately sunk beneath thy native dignity of character! Where now is that boasted honour, those manly virtues that distinguished thee from thy neighbours? Where that candour, that sacred love of justice, which hailed thee umpire of the world? And what hast thou received in exchange? Bribery, corruption, perfidy and murder!† Such, Britain! are thy characteristics

* Cicero.

† Brest, Dunkirk, La Vendee, Lyons, Marseilles, TOULON, &c. &c.

"Anglia vicisti, profuso turpiter auro,

"Armis pauca, dolo plurima, jure nihil."

raclerific marks; by these features, now know thyself! Cursed be the apostate wretch that brought such infamy on my country—cursed be—but where am I transported by the warmth of my heart? My love to Britain is the only apology for this digression.—

—To return to Mr. Vaughan.

—Agreably with the literal construction which has been given of the word republican, I am ready to grant, that Mr. Vaughan is not of that description, nor could he have afforded a more decisive proof of his not being so, than by the character in which he has appeared against Mr. Hodgson and myself; but at all events, he has proved himself pre-eminently qualified, to shine as a distinguished ornament of that honourable and BELOVED Society, which was last year established, for the suppression of these *Levellers and Republicans*;—in other words;—for the encouragement of spies and informers, for the security and preservation of exorbitant sinecures, useless ruinous places, and unmerited pensions, extorted from the sweat of industry and labour; the *independent President** of that society, being perhaps more than

* Mr. R—ves,

any

any other person interested in their security and preservation, owing to the immense emoluments he himself derives from them.

This sagacious witness Mr. Vaughan, as well as the gentlemen who preceded him, also *acutely* observes, "that we read the papers aloud;" and he further remarks, "that there *seemed* a difference of opinion between us, so as to create an argument, in which we were extremely noisy, and *appeared* disposed to quarrel with each other, but that after some discourse which passed between us in French, or some other language, that he *modestly* professes not to understand, this *seeming* difference, calculated for the purpose of attaching the company to our doctrine, very much in favour of republicanism, then subsided."

It is fair however, that I should ask this searching observer, on what authority he presumes to put his own construction on words, spoken in a language, of which, all learned as he is, he confesses himself utterly ignorant; or what right he can possibly have to indulge his fancy, in imputing to me *secret motives*, directly opposite to my *overt conduct*? But a jury of honest Englishmen will scout the unlawful idea of being governed by *individual conjecture*, in opposition to *positive fact*,
although

although it be the conjecture, even of such a piercing inquisitor into the arcana of the human mind, as this omniscient informer. You will judge independently for yourselves, nor suffer the impudent, ignorant, tortured construction of a man like this, to influence your verdict.

But hear what follows.

He observed before the magistrate, "that we
 "ridiculed the existing governments of Europe;"
 (alas! the far greater majority of them, as I have
 already remarked, are subjects rather of detestation
 than ridicule,) nor is there one of them; no,
 not even this boasted government itself, that is not
 over-run by abuses, and although I am apt to entertain
 no very exalted opinion of the humanity of lawyers,
 yet I am not so uncandid as to believe, that if the
 learned Judge;—if Lord K—y—*himself* had witnessed
 those horrors which I daily witnessed, during three
 weeks confinement in that receptacle of misery, to
 which Mr. Anderson, in violation of all justice, dared
 to commit me; had even his Lordship beheld the
 number of naked, famished, and diseased wretches,
 night after night plunged into the dungeons of that
 prison, dragged from the streets of this opulent
 luxurious city, without a hut

hut to afford them shelter, food to appease their hunger, or tenderness or charity to visit their diseases;—had he beheld the hundreds of felons weekly brought there, loaded with irons, chained down like wild beasts together;—had he borne witness to all these complicated horrors, and numberless others, that it would fill the largest folio to enumerate, I will do him the justice to believe, that we should have gained another convert to the cause of humanity, and that he himself would acknowledge, that *laws* which generate such enormities are not entitled to the *lawyers* panegyric. Let us therefore hope, it is ignorance of the fact, rather than want of sensibility, that allows such horrors to exist, without an effort to destroy their source. If by a progression of thought, it were possible to conceive that through some extraordinary revolution of events, the venerable Judge should hereafter become an inmate of those walls, he might then feel the horrors above described, in the acute sense that I have felt them. It is *personal* experience in these cases, that of all other lessons, tends the most to excite conviction, and to bring home truth to the breast of man *.

Gentlemen, the consistent Mr. Vaughan likewise observed, “ although we ridiculed the exist-

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* The gaoler of the Giltspur-compter has no salary; therefore as his stipend solely depends on the fees of prisoners of every
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“ing governments of Europe, yet that on certain
 “points I disagreed with my friend, and that I
 “*particularly* expressed a preference for the actual
 “government of England, with its manifold abuses,
 “to the present anarchy of France.”

I certainly *did* express and might possibly feel that preference, because I am naturally an ardent lover of peace and order, and cannot behold without grief and indignation, those seeds of rebellion, ruin, and bloodshed, which the *Northern* despots of Europe, by every unwarrantable means, have scattered through the most fertile and beautiful country of the earth, on principles, hostile to the rights of nations, an eternal source of war and havock, and fatal to freedom, justice, and humanity; but in declaring my hatred of anarchy and rebellion, I will never be such a traitor to the feelings of my soul to deny; no; I will boldly declare in the presence of my country, that my fervent wishes shall be daily offered up for the success and final establishment of the FRENCH REPUBLIC; from a perfect conviction, that the future peace, happiness, and liberties of mankind, depend on that event; that the fate of remotest generations is description, committed to his custody, it is not to be supposed that his *convent* will ever be without plenty of *provision*; and it is a melancholy consideration, that the subsistence of the officers of police in general should be made to depend on the vices of society.

is involved therein, and that the world will never enjoy a state of tranquillity until that republic be acknowledged throughout the earth. My conviction is founded in reason and reflection, and to suppose that the enthusiasm of liberty, glowing in the breast of *volunteers* and freemen, can be conquered by mercenary battalions of *northern Serfs*, would be a solecism, without authority or argument to support it. Should however, contrary to every calculation of reason or probability, the reverse happen, let any sensible impartial man take a survey of the barracks and murderous Bastilles now erecting by command of government, in every capital town and county of this kingdom; let him consider the late arbitrary and vindictive prosecutions, the abortion of jealousy, cowardice, and revenge, that will fix an everlasting stigma on the present administration. Let him reflect on the unprecedented outrages which have been committed against the liberty of the press;—nay, even against the freedom of speech, of which I myself am a much injured example;—let him deliberate on these ill-boding omens, together with the vast encrease of power lately added to the Crown, and he will not be at a loss to anticipate the fate prepared for England, should France be conquered.

Gentlemen, unconscious of guilt, I have not feared to express the effusions of my heart before

you; why should I have been afraid to express them in the *London Coffee-house*? And are you authorized to consider me a traitor to my country, for having spoken the words ye have just heard, far more pointed against the unhappy and violent prejudices of the times, than any pretended to have been uttered at the above coffee-house? Do not your newspapers, however cramped they may be, still continue to hold forth similar language? Yet, daring as ministers have lately been, they have not hitherto dared *intirely* to destroy those vehicles of public information, however soon, if their career be not interrupted, such an attempt may be made.

If my mind be so organized, as to think, that the present system is sanguinary, perfidious, unprincipled, and corrupt; I may, (although I cannot think it) be mistaken, but it is impossible you can pronounce me guilty; because a person's thoughts are involuntary, no ways depending on himself. If, however, words, flowing from the conviction of my understanding, and from the philanthropy of my heart, *are* to be thus tortured;—if an import that words themselves will not admit of, is to be *forced* upon *them*, for the purpose of persecuting individuals, or of glutting revenge;—if men must either submit to be *gagged*, or otherwise be the hypocrites, to declare approbation of measures, which

which they, in their souls condemn ;—if the *liberty of the body*, be thus made to depend on the *slavery of the mind*, all I can say is, that it is time for every Englishman, a lover of liberty, to explore a more secure asylum ;—even France, surrounded by *foreign* enemies, and harrassed by *civil* traitors ; royalty, nobility, hierarchy, and every privileged order combined against her ;—anarchy, hateful as it is, would perhaps seem preferable to a government which is allowed to usurp such lawless controul, without murmur or complaint, “ *malo periculofam libertatem, quam quietum servitium.*”

Mr. Vaughan, however, agreed, that I expressed a preference for our present government. I have explained to you the principles on which that preference was founded.

This witness also agrees, that when Mr. Hodgson spoke of the bad private character of the Duke of York, asserting “ that he respected no man, however exalted by rank, unless dignified by virtue,” I protested against that opinion, suggesting, “ that whatever his private character might be, still he had claim to respect, as the son of his King ;” and with more than usual candour, he allows, “ that in this particular, our difference of opinion seemed to him to be real, and that it was even a considerable time before we were reconciled.”

Such,

Such, Gentlemen, I intreat you to take notice, is the *pleasant incongruity and amiable liberality*, which this man displays in his evidence. He *indulges himself* in the wildest licentiousness of conjecture in a case where it is not warrantable, while *he denies the least freedom of opinion to me*, on political topics, where, in free governments, such as we are told is that of England, the right till now, has never been disputed. According to him, our difference at one time *did appear natural*; at another it *seemed affectation*; but you are too candid to abide by his stupid conjectures, which are wholly immaterial.

Two weighty charges brought forth by this witness, still remain to be answered. Mr. Vaughan has stated, that our conversation respecting the Duke of York, was succeeded by Mr. Hodgson reading a paragraph from a newspaper, which mentions, the King having been fox-hunting or stag-hunting; and that this paragraph gave rise to some reflections from me, which I am sure are not immoral, and which I hope are by no means peculiar to myself.

When Mr. Hodgson read the paragraph, I certainly *did* express a doubt of its veracity, conceiving it improbable that his Majesty should be occu-
pied

pied in similar nonsensical amusements, while the mournful accounts of havoc and slaughter, in which his *own subjects* are so fatally involved, were almost daily arriving from the continent. My remarks had their origin in truth and humanity, and I am not apprehensive, that they will suffer disparagement from the severest ordeal to which they may be exposed.

The last charge that remains to be noticed, and indeed the only one, which in the least applies to me, although it were deemed sufficiently *criminal* to hold me several weeks in prison, in default of the excessive bail that was required, and which the meanest, most dastardly artifices were employed to prevent me from procuring;—this last charge, I repeat, is of a guilty nature indeed.

Mr. Hodgson is sworn to have called the ELECTOR OF HANOVER, AND THE LANDGRAVE OF HESSE CASSEL, HOG BUTCHERS; and I am sworn to have repeated this word. Now, whether I did so, or not, cannot be very material, since it would be going *rather beyond* the line, even in these times of alarm and punishments, to judge a man guilty of sedition, treason, and rebellion, and I know not what besides, as stated in the indictment, for having applied

plied the word **HOG BUTCHER** to the Elector of Hanover.

Nevertheless I am morally certain, that I never used the word. It is not my mode of expressing myself; and for one person *literally* to repeat the very word adopted by another in conversation, is not the ordinary way in which conversation is carried on. But this very cautious and *respectable* witness has *sworn* it; and, as it is brought forward as a criminal charge, I am necessitated to animadvert upon it. In my animadversions, however, I beg it may be understood, that nothing satirical or disrespectful is intended.

Our conversation on this subject, originated also from a paragraph in one of the newspapers, stating, "a treaty to be in force, whereby the
"ELECTOR OF HANOVER was bound to
"provide GREAT BRITAIN with a certain number of his *electoral subjects* for the present war,
"at the rate of so much per head on the loss of
"each man."

It was undoubtedly fair to comment on this newspaper paragraph; and when HUMAN BEINGS are thus brought to market, and disposed of as BEASTS, it most certainly verifies Mr.

Edmund

Edmund Burke's memorable observation, applied to the lower orders of people ;—according to his *immortal* phrase,—“ *the swinish multitude?*” It cannot therefore, agreeably with sound logical reasoning, be denied, that if the PEOPLE are SWINE, he who sells them, who receives so much money for the slaughter of each, is, to all intents and purposes, a SWINE, or HOG-BUTCHER.

But, to consider the expression in another sense; there is nothing humiliating or dishonourable in the character of a Hog Butcher. Grandeur never shines so transcendantly amiable, as when it descends to the ordinary occupations of life. The Consuls of Rome ;—the purest character which history records, Cincinnatus himself was often employed in guiding his plow, even at the very moment when he was called to the most elevated rank in the republic. The Emperor of China is bound by the constitution of that vast empire, annually to till with his own hand, an acre of ground; nor would the most pious and popular sovereign in Europe be degraded by a display of superior genius in mechanics, or of perfect knowledge in the useful and meritorious art of grazing or fattening an ox. Surely then it would be the climax of injustice, to condemn a man to fine, pillory, and imprisonment,

for having stiled the Elector of Hanover a HOG BUTCHER, while the RIGHT HONOURABLE LIBELLIST OF HUMAN NATURE, who denominated the Members of the British government, HOGS or SWINE, stigmatizing them with the beastly epithet, SWINISH MULTITUDE, should be seen to triumph in the highest honours of the state;—a PRIVY COUNSELLOR to his most sacred Majesty George III.*

I have now gone through the various charges stated

• The reader is desired to take notice, that I have faithfully summed up the evidence from an exact copy of the information given by Messrs. Leach, White Newman, and Vaughan, against Messrs Hodgson and myself, on our appearance before Alderman Anderson, at Guildhall; and it must at first excite surprise, that the above magistrate should venture to have committed me; but all wonder will cease, when it is recollected, that between our first and second examinations, he had full time to take his lesson from the T—y, and that, on Mr. Hodgson's wishing to point out a case of law, to prove the illegality of our commitment, the *dashing* Alderman cut him short by observing, "that it did not signify, *legal or illegal*, he was resolved to commit us, and *was prepared to take all responsibility on himself.*" It would be extending credulity too far, to believe, that a prudent, wary magistrate would have acted thus, had he not been provided with an ample and secure guarantee for his conduct.

in the indictment, (what the constable and Newman, the gaoler, swore, concerning Mr. Hodgson, having exclaimed in the coach, " Liberty and the French Republic," no ways affecting me.) and from what you have heard, it must be evident, " that I expressed a preference for the British government to the present anarchy of France;—that I avowed respect for the Duke of York, as son of the King;" that *I did not* drink those desperate toasts; that *I did not* exclaim for *Liberty and the French Republic*. All this is confirmed by the evidence that has been given; yet, I was exposed to every outrage, involved in very great expence, held to bail in *one thousand pounds*, and am now summoned here as a criminal for trial.

What then is the inference to be drawn from this prosecution?

Mr. Hodgson is tried for having used certain expressions sworn *against him*. I was dragged to a dungeon, condemned to linger three weeks in a prison, in default of the enormous bail required, and finally brought to trial, for having *not* used them.

What therefore is criminal in him *to have done*, is held *equally* criminal in me *not to have done* *; and

I trust

* The Grand Jury, by having thrown out the bill against me,

I trust, Gentlemen, that you will continue to preserve the system of *equality*, hitherto so uniformly kept up between us, by giving a verdict of acquittal for both.

I have endeavoured, let me hope, not without effect, to expose the folly and wickedness of this prosecution. It has been attended with an expence, which I could ill afford, and what I feel much more sensibly, from the inhuman treatment I at first received from the damps of a dungeon in which I was confined sixteen hours, my health has sustained an injury, for which no recompence from my revengeful prosecutors could ever be to me a sufficient atonement.

Gentlemen, I shall not detain you many minutes longer. It is the privilege of the injured to complain: resistance against oppression is more a duty than a virtue, and you will permit me to offer a few general remarks, that are connected with the very hard case which I have stated.

It is a habit in which I was bred, and which is now *rooted* in me, to declare my sentiments with me, have prevented the ministerial Alderman from appearing before a Court of Law, in this ridiculous and perplexing dilemma.

out

out reserve; I have not yet learnt our modern fervility, transplanted from the old despotism of France;—to crouch to power, or accommodate myself to the ruling prejudice and violence of the day.

I will never be a tool to the selfish projects or ambition of any man; holding in equal abhorrence the disappointed clamorous demagogue, the *mendicant* orator of faction, and the fawning parasite of a Court: neither shall the brutish clamours of a hired senseless banditti, nor the terrors of legal vengeance, intimidate me from asserting, on every occasion, as far as in me lies, the natural birth-right of us all;—the *freedom of speech*; against which the barbed shafts of government are pointed in this and numberless other late prosecutions. The great Lord Bacon observes, “that enquiry, examination, and contradiction, are the filtering stones of *truth and knowledge*,” on which alone every improvement in society, all the happiness of human life depend. Tamely to surrender this inestimable privilege, would be the basest cowardice and degeneracy.

♦ **FREEDOM OF SPEECH** is an **ENGLISH-MAN’S PREROGATIVE**, engrafted on our Constitution, by **MAGNA CHARTA** and the **BILL**

BILL OF RIGHTS. Let us beware, lest arbitrary vindictive ministers supported by the wretched sophistry of lawyers wrest it from us.

Gentlemen of the Jury; this sacred palladium is in your hands; the final blow seems to be meditated against it; the virtue of juries only can preserve it from deadly violation.

It was under the administration of a *Sejanus*, during the reign of a *fool and tyrant* emperor, that this barbarous law of "*dicere est agere*," that is, "the law which would torture words into *deeds*," was enforced at *Rome*; yet even then, under the government of that *Imperial Ruffian* Tiberius, there stands only one solitary instance on record, of this arbitrary law being executed; and amidst the desperate outrages that characterized those degenerate days, it is *particularly* cited by the historians Tacitus and Suetonius, as an exorbitant stretch of tyrannic power.

It is under the administration of a **MODERN SEJANUS**, during the reign of a *wise and merciful* prince, that the above infamous exploded law has been revived in *Britain*, and of late enforced by a variety of terrible examples. I am ready to admit the contrast between Tiberius and our most gracious Sovereign, to be as striking,

as

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as the resemblance between their ministers is perfect; but the Roman people avenged themselves of *their tyrant* Sejanus; they dragged him with hooks fixed in his body to the capitol, from the summit of which, he was precipitated headlong down, and dashed to pieces.

The fate of our BRITISH SEJANUS, it is in the womb of time to unravel.

Gentlemen of the Jury, our ears are for ever stunned with the most extravagant encomiums on the mildness of the present government. The mildness of our *original constitution*, I shall not venture to dispute, but I can never acquiesce in opinion, as to the mildness of a *government*, under which, it is a notorious fact, that no man can publicly avow his political sentiments, if hostile to present measures, without risque of fine, pillory, and imprisonment, for his *audacity*.

To reconcile Englishmen to this *embargo* on their thoughts;—to enamour them still more with this *mild and merciful* government, that nevertheless, deprecates the test of investigation, an immoral rhapsodist, whose genius and talents in my opinion, have been far more highly celebrated than they deserve, tells them, “that they are born to
“ grovel

“ grovel in ignorance and stupidity;—that it is
 “ their charter to be hoodwinked and deceived;
 “ —and that they are bound to praise and admire,
 “ what it exceeds the limits of their swinish capa-
 “ city to comprehend.”*

Be it so; but there can be no obligation on
me to praise what I perfectly comprehend, and
 what I *cannot* praise, without belying every feel-
 ing of my soul, and violating all the most sacred
 duties of honesty and truth.

When I eternally hear confident assertions from
 the lips, recommended by the *solemn phiz* of
 magisterial authority, I am not to be gulled by
 such quackery; it were necessary that I should
 first compare the assertion with the fact, and unless
 I mean at once to surrender common sense and
 conviction, that I should form my judgment on
 the result of that comparison.

It is the nature of truth to challenge enquiry;
 and the government which condemns to the har-
 est penalties, those who indulge themselves in that
 enquiry,—to say that such a government were
 free, would be mockery and insult. When, there-

* E—m—d E—ke.

fore, I hear this amiable mildness confidently asserted by persons of great weight and authority, with so many dreadful examples of the contrary fact before us, which we are condemned every day to witness;* when I reflect on the vast number of my fellow citizens in every quarter of the empire, from north to south, from east to west, pining in gaols, for having only laboured in their honest vocation, to provide a subsistence for their families;—when I recollect the language used by certain

* Lord George Gordon and Mr. Macan died lately in Newgate within two days of each other. One cut off in the meridian of life, the other in the bloom of youth, both under a hard sentence from the court of K—ngs B—ch. The former had paid the debt of law, having undergone the sentence of his confinement, but was afterwards detained in default of the enormous bail required (10,000*l.*) contrary to the very spirit of our constitution, which says, “excessive bail shall not be demanded.” Thus, it is evident, that he died through the rigor of his imprisonment;—and that his punishment would have been infinitely less painful, had his Judges condemned him to death in the first instance.—Mr. Macan was a person of very delicate constitution, very much impaired by long confinement, and he fell an early victim to a malignant fever raging in the gaol: the human frame, has not strength sufficient to contend for such a long period of time, against the tainted air and complicated horrors of Newgate, and if appearances are to be trusted, other sacrifices will fall, before the barbarous sentence of law shall be fulfilled.

Caledonian Judges on a late trial, where the poor classes of society are openly declared to have no rights whatever,* when I behold a number of wretched captives condemned *for life* to a gaol, from an inability to pay their debts, when I consider the *Tythe Laws*, the *Test Laws*, the *Exclusion Laws*, the *Game Laws*, *Excise Laws*, and murderous PRESS WARRANTS; and finally, when I reflect on the situation in which I myself now appear before you, the negative practice rises directly in the very teeth of the assertion, and reminds me of the celebrated Ricci the Italian Jesuit, who when the despotism of his order was threatened, some of them consulted with him, and were of opinion, that it would be prudent to yield up a few sacrifices, in compliance with the popular cry, for their own ultimate safety; but the hardened bigot exclaimed, “No; *sint, ut sint, aut non sint.*” “Let things remain as they are, or let us not exist at all.” He acted accordingly; he expatiated during three hours, on the meekness and benignity of the holy Catholic religion, and in proof of that benignity, when three Protestants were brought before him, for having dared to ques-

* Vide Muir's trial. Mr. Muir is sentenced to fourteen years transportation, under pain of death, if he returns previous to the expiration of that term: the principal charge in the bill of indictment found against him was, “having circulated the Rights of Man, and recommended that book to the perusal of his countrymen.”

question its orthodoxy, he *mercifully* condemned them to the flames. So, if a man dare to question the *benignity* of those laws at present in force amongst us; or even should he venture to deliver a political sentiment, obnoxious to the war in which we are now fatally involved, or to the conductors or authors of it, there are Judges to be found, in proof of this boasted *benignity*, who would vehemently urge a verdict against the *heinous offender*, nor hesitate to pronounce the most rigorous sentence to be inflicted on him.

Gentlemen, it is the duty of every man who really loves our constitution, and who feels an interest in the delights of social conversation, to resist that torrent of prejudice which now threatens to overwhelm our liberties, and to deprive us of that charm which more than all others, gives a zest to existence,

Take from us the right of freely communicating our thoughts to each other, construe into treason or sedition, every sentiment, every action that does not tally with the interest, caprice or ambition of our rulers, the master link in society is broken; the road to truth thus cut off, tyranny reigns triumphant, the empire of horror and misery is perpetuated, and man degenerates into a state of the vilest servitude.

In these eventful days, the human mind is eternally on the stretch of curiosity and speculation, and in all rooms of public resort, politics almost exclusively engross conversation; surely then, in the warmth of argument between two friends, if they should talk aloud;—if an unguarded expression should fall from either of them, and that expression is to be seized with venal officiousness, or malignant inveteracy, by persons to whom it was not addressed, and allowed to be brought forward as matter of criminal prosecution against him. A man on such terms would be far better in a desert, than in the meridian of all those *crocodile* enjoyments which this luxurious city apparently offers to his choice.

Nevertheless, such is the state of society at present throughout Britain, that a person whose sentiments do not chime with the prejudices of the day, in the habit of frequenting those places which have been described, has only three sad alternatives left for him to chuse; either to brave all danger, to give full scope to his native feelings, and promulgate truth;—to forego the privilege of speech, as if he had a gag in his mouth, or otherwise to belye his heart, and praise the things he execrates and abhors. If, however, he should adopt the *honest* alternative, the most vexatious arbitrary prosecutions and penalties await him.

Gen.

Gentlemen, I have proved by the witnesses themselves, that of the different charges alledged in the indictment, there is only one which any ways applies to me, and I shall offer an additional observation on that charge, which it is impossible to consider as criminal, before I conclude; but I have an equal interest in every thing that regards my fellow-sufferer in this prosecution, and you will therefore allow me to make a solemn appeal to your candour, your honour, and your consciences in his behalf.

Is it possible to believe, that any person, not bereft of his senses, harbouring such wicked designs as are stated in this indictment, should repair to a public coffee-house, and that coffee-house notorious for being frequented by *spies* and *informers*, by clerks of arraigns, attornies, gaolers, and persons of that description? Is it not preposterous to imagine, that a rational being, possessed of such schemes as this indictment most falsely and maliciously states, should fix on a place of all others the most likely, were those schemes there promulgated, to ensure their defeat?

Sedition, malice, and treason, delight in lurking holes and corners; they shun the light, brooding over the mischief which they meditate, till ripe for hatching, and are only cautious to conceal

zeal their purposes: but what is the curious nature of that sedition, malice, and treason, imputed to us, for which our purses have been drained, our bodies arbitrarily confined, our health impaired, and for which we are now brought here to be tried? Why, that we went to the most frequented coffee-house in the city of London, and seating ourselves at a table, entered into conversation with each other, loud enough for every person in the room to hear us, yet, sedition, malice, and treason, whose *notorious* characteristics are silence and concealment, are the *desperate* crimes, for which, on conviction, our prosecutors would rejoice to inflict the most barbarous punishment upon us. Had we indulged schemes of sedition or treason, it would be madness to conceive that we should seek a *public* opportunity of divulging them, or of affording ground for suspicion; and, as to malice, that crime rests evidently with *those* who framed, or who caused this indictment to be framed. Had *our* breasts been goaded by that fiend, we should hardly have resorted to the London coffee-house, in order to drive him out.

Of all other tyrannies, none can be devised more barbarous and revolting, than that which is practised in framing bills of this nature, imputing

to men, already crushed by the iron arm of power, crimes the remotest from their thoughts. A novice in the chicanery and barbarity of law, ignorant of the technical and infamous terms employed on these occasions, would tremble for his life, when in consequence of words spoken in the hour of convivial mirth, or careless conversation; for having freely discussed the excellence of this or that kind of government, should, on no other foundation, perceive himself criminally charged *with having committed a violent assault, by force of arms*, with a seditious attempt to alienate the affections of his Majesty's subjects, and to excite rebellion in his country.*

I am conscious of having already detained you too long, therefore shall request your indulgence for a very few moments longer.

Gentlemen, the very oppressive case of Mr. Frost, which has excited so much popular indignation, has been mentioned as bearing an analogy with the present prosecution; but the analogy is very imperfect. You are to recollect, that the words uttered by Mr. Frost, were addressed directly

* These are *modestly* styled the fictions of law. Is it not time that such gothic barbarisms should be banished from a civilized jurisprudence.

*rectly to the wretches who informed against him ; —that they applied immediately to the first magistrate, and to the executive government ;—that his words were, “ Liberty and equality,” (no bad things by the bye) “ and No King.” You are to remember likewise that these informers observed some legal rules in their proceedings. They suffered him to depart, knowing that a constable was not authorized in the first instance to take a man into custody for words, on mere oral information. They therefore waited till morning, when they informed against him before a Secretary of State, and the business was afterwards conducted, agreeably with the rigorous, but regular process ; but the present case is far different ; Mr. Hodgson’s conversation was addressed *only to myself ; it no ways applied to the King, nor particularly to his government.* We were dragged at once to a dungeon, without any *warrant or preliminary process whatever, on the mere verbal charge of these informers,* and the magistrate assumed the power of committing us under that authority*. Thus, you must be sensible that if Mr. Frost’s case be, what it most assuredly is, extremely severe, we have infinitely more reason to complain.*

* The statute expressly says, “ No one shall be seized or “ imprisoned, unless by indictment, or the process of common law.”

Gentlemen, it now only remains for me to advert once more to that single charge which relates to myself, "that I agreed with Mr. Hodgson, that "the Elector of Hanover was a Hog-butcher!" I apprehend that I have already sufficiently exculpated myself from this ridiculous accusation; but, in addition to what has been urged, you are to recollect, that owing allegiance, as a subject, to the *King of Great Britain*, I am tied down by no particular bond of attachment to the *Elector of Hanover*; that the subject originated from a newspaper paragraph, and that our discourse was confined wholly to ourselves.

In this defence, all technical jargon, and professional quibbles are avoided. I have not crouched to the prejudices of the day, nor do I insiduously address myself to your passions. I have struggled with zeal, if not with ability, to enforce on your minds the honest principles of truth. My defence is built on that immoveable basis, Truth; that will eventually bring to disgrace the infamous fervility of courtly Aldermen, and triumph over all the combined exertions of malice and of power. But under the most cruel sentence, conscious innocence would still support me!—Innocence, that often darts the rays of sunshine, amidst the thickest gloom of a vaulted cell, and enables the mind to brave every

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rigour

rigour of unjust captivity, and to set even torture at defiance. I have fairly stated the hardships we have already undergone, and the futile, malicious pretexts on which we are brought to trial. I submit the facts to your candour and understanding ; and as twelve honest unbiaſſed men, I am confident in your juſtice to acquit us.

FINIS.

The role of an individual becomes a matter of public appeal, and desires to excite universal anxiety and alarm, whenever it is marked by injustice and oppression. The people are loudly called on to oppose every act of individual tyranny, exercised against the common rights and liberties of the subject ; otherwise, they may be assured, it will be eagerly seized as a precedent by those in power, and, once established, may eventually

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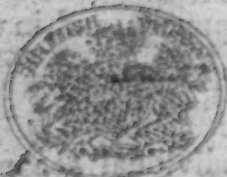
THE above defence was prepared and concluded several days before the Grand Jury had rejected the bill of indictment preferred against me. The bill was framed upon the evidence given before Alderman Anderson, by the witnesses Leach, Newman, and Vaughan, which, although it tended directly to exculpate me, the *able* and *independent* magistrate deemed of sufficient validity to justify him in holding me to bail, in the sum of one thousand pounds, and, in default thereof, in committing me to prison.

The case of an individual becomes a matter of public appeal, and deserves to excite universal anxiety and alarm, whenever it is marked by injustice and oppression. The people are loudly called on to oppose every act of *individual* tyranny, exercised against the *common* rights and liberties of the subject; otherwise, they may be assured, it will be eagerly seized as a precedent by those in power, and, once established, may eventually

ually terminate in the total annihilation of every thing most dear which our ancestors bequeathed us.

The notes have been added since the bill was thrown out.

THE bill was passed by the House of Commons on the 17th of March 1793, and was sent to the Lords. The Lords rejected the bill on the 26th of March 1793, and the bill was thrown out. The bill was passed by the House of Commons on the 17th of March 1793, and was sent to the Lords. The Lords rejected the bill on the 26th of March 1793, and the bill was thrown out.



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